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## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRANKLIN H. WRIGHT,

No. C 15-03204 JSW

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY,**ORDER DENYING PLAINTIFF'S  
APPLICATION TO PROCEED IN  
FORMA PAUPERIS AND DISMISSING  
COMPLAINT**Defendant.  
\_\_\_\_\_/

Now before the Court is the application for a temporary restraining order ("TRO") and application to proceed *in forma pauperis* filed by plaintiff Franklin H. Wright ("Plaintiff"), who is proceeding pro se. Having carefully reviewed Plaintiff's papers and considered her arguments and the relevant legal authority, and good cause appearing, the Court hereby DENIES Plaintiff's application for a TRO, DENIES her application to proceed *in forma pauperis* and DISMISSES the action with leave to amend.

A district court may deny in forma pauperis status and sua sponte dismiss an action under certain circumstances, including when the underlying complaint sought to be filed is frivolous or when it fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2); *see also Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995). In contravention of Federal Rule of Civil Procedure 8(a), Plaintiff has failed to file a pleading setting forth the grounds upon which this Court has jurisdiction, "a short and plain statement of the claim showing that the pleader is entitled to relief, ... and a demand for judgment for the relief the pleader seeks." It is not clear who Plaintiff is

United States District Court  
For the Northern District of California

1 seeking to sue or what facts Plaintiff alleges occurred. In the absence of such allegations, Plaintiff  
2 fails to state a claim.

3 Accordingly, Plaintiff's application to proceed *in forma pauperis* is HEREBY DENIED and  
4 the Complaint is DISMISSED WITH LEAVE TO AMEND. If Plaintiff wishes to pursue this  
5 action, he must file an amended complaint setting forth a cognizable legal claim and some factual  
6 basis to support a claim with federal jurisdiction by **August 28, 2015**. Plaintiff may file a renewed  
7 application to proceed *in forma pauperis* upon filing an amended complaint. Failure to file timely  
8 an amended complaint shall result in dismissal of this action without prejudice.

9 The Court advises Plaintiff that a Handbook for Pro Se Litigants, which contains helpful  
10 information about proceeding without an attorney, is available through the Court's website or in the  
11 Clerk's office. The Court also advises Plaintiff that he also may wish to seek assistance from the  
12 Legal Help Center. Plaintiff may call the Legal Help Center at 415-782-8982 or sign up on the 15th  
13 Floor of the San Francisco Courthouse, Room 2796, or on the 4th Floor of the Oakland Courthouse,  
14 Room 470S, for a free appointment with an attorney who may be able to provide basic legal help,  
15 but not legal representation.

16 **IT IS SO ORDERED.**

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18 Dated: July 30, 2015

  
19 JEFFREY S. WHITE  
20 UNITED STATES DISTRICT JUDGE  
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